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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/617,525 | 07/10/2003 | Yen-Fu Chen | AUS920030419US1 | 3553 |

7590 02/25/2008
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| EXAMINER |
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RICHMAN, GLENN E

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| ART UNIT | PAPER NUMBER |
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3764

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02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|---|--|
| Office Action Summary | Application No. 10/617,525 | Applicant(s) CHEN ET AL. CT | |
| | Examiner Glenn Richman | Art Unit 3764 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7 and 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claim 8 is withdrawn in view of the newly applied rejection to Shea. Rejections based on the newly cited reference(s) follow.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shea.

Shea discloses receiving identification (ID) signals at one of said workout stations (col. 7, lines 52-57), said ID signals being representative of an individual user (col. 7, lines 52-57), said receiving is accomplished by receiving ID signals at a reading device located at said workout station, said ID signals being generated by an initial reading of a code contained on an article carried by said individual user (col. 7, lines 52-57), measuring workout data generated by said workout station (col. 23, lines 7 – et seq.), and said individual user at saving said workout data to a workout data file associated with said individual user when said user has finished using said workout station (col. 23, lines 7 – et seq.), said workout data file is maintained at a server within said workout facility (fig. 3).

Shea does not disclose swiping the card a second time at completion of the workout at that station, however it would have been obvious to one skilled in the art to include this step since Shea recognizes that an indication should be made that the exercise has stopped – either by the time elapsed or the pressing a of a STOP key (340, col. 23, lines 15-20). A second swiping would be an alternative to the pressing of a STOP key.

As for claims 5 and 6, Shea further discloses said receiving is accomplished by receiving ID signals at a reading device located at said workout station, said ID signals being generated by an initial reading of a code contained on an article carried by said individual user (col. 7, lines 52-57), said code is a bar code readable by an wherein said code is optical reading device (col. 7, lines 52-57), said code is a magnetic code on a medium readable by a magnetic code reading device (col. 7, lines 52-57),

As for claims 9-19, Shea further discloses displaying said workout data on a display device located at said workout station (col. 8, lines 53 – et seq.), displaying said workout data file of said individual user on a display device located at said workout station (col. 9, lines 37 – et seq.),. The method as set forth in claim 10 wherein said workout data file further includes a workout routine for said individual user, said workout routine including specific workout protocols for said individual user at each of said plurality of workout stations (col. 15, lines 55 – et seq.), displaying said specific workout protocols for said individual user on said display devices at workout stations being used by said individual user (col. 15, lines 55 – et seq., col. 26, lines 14-38), saving workout data from a stations to said workout data file (col. 26, lines 14-38), enabling reservation

of selected workout stations by said individual user (col. 26, lines 38-40), displaying notice of said reservation of a reserved workout station at a display device located at said reserved workout station (col. 26, lines 38 – et seq.), disabling said reserved workout station, said reserved workout station being selectively enabled by said receiving of said ID signals associated with said individual user at said reserved workout station (col. 26, lines 38 – et seq.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shea in view of Millington.

Shea does not disclose said receiving is accomplished by receiving ID signals transmitted from a transmitter device carried by said individual user.

Millington discloses receiving is accomplished by receiving ID signals transmitted from a transmitter device carried by said individual user (col. 9, lines 37-57).

It would have been obvious to use Millington's means for transmitting with Shea's exercise device, as it is well known as taught by Millington, to use a transmitter for transmitting an ID signal, and as Shea discloses various means for transmitting an ID signal.

Millington does not specifically disclose determining when said individual user has finished using said workout station, said determining being accomplished by detecting an absence of said transmitted ID signals at said workout station, however it is inherent the individual is finished when signals are no longer received.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on (571)272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Glenn Richman
Primary Examiner
Art Unit 3764